

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
KAREN BRIM,

Plaintiff,

v.

CITY OF NEW YORK, P.O. TIMOTHY
REILLY, P.O. RALPH GIORDANO,
SERGEANT SALVATORE
MANNINO,

Defendants.
-----X

13 CV 1082 (SJ) (RER)

FILED
IN CLERK'S OFFICE
US DISTRICT COURT
★ JUL 06 2015 ★
BROOKLYN OFFICE
Rec'd 7/16/15
(S)

SPECIAL VERDICT FORM

1. **FALSE ARREST.** Have Defendants proven by a preponderance of the evidence that there was probable cause to arrest Plaintiff Karen Brim on April 30, 2012?

Yes ☒

No ☐

- a. If you answered "Yes" to Question (1), then please indicate which charge or charges Defendants had probable cause to arrest Plaintiff Karen Brim for committing. Place a check mark next to the crime(s) that any of you find probable cause to arrest. **This question -- (1)(a) -- is the only question on this form that does not require a unanimous response.**

Obstructing Governmental Administration _____
Assault in the Second Degree _____
Resisting Arrest ☒ _____
Disorderly Conduct ☒ _____
Assault in the Third Degree _____
Attempted Criminal Obstruction of Breathing _____
Menacing in the Second Degree _____
Menacing in the Third Degree _____
Harassment in the Second Degree _____
Other _____

COURT EXHIBIT

If you answered Yes, to Question (1), skip to Question (2).

- b. If you answered "No," to question (1), please identify which Defendant or Defendants subjected her to a false arrest.

Defendant Timothy Reilly _____
Defendant Ralph Giordano _____
Defendant Salvatore Mannino _____

- c. If you answered "No" to question (1), please state whether or not you believe that Plaintiff has proven, by a preponderance of the evidence, that she actually suffered compensatory damages as a result of the false arrest?

Yes _____

No _____

- d. If you answered "Yes" to question (1)(c), please indicate who caused her to suffer compensatory damages and what amount?

Defendant Timothy Reilly \$ _____
Defendant Ralph Giordano \$ _____
Defendant Salvatore Mannino \$ _____

- e. If you answered "No" to question (1)(c), please indicate who caused her to suffer nominal damages and what amount?

Defendant Timothy Reilly \$ _____
Defendant Ralph Giordano \$ _____
Defendant Salvatore Mannino \$ _____

- f. Should punitive damages be awarded to Plaintiff, Karen Brim?

Yes _____

No _____

If you answered "Yes," state the amount of punitive damages you award: _____.

2. EXCESSIVE FORCE. Has Plaintiff proven by a preponderance of the evidence that she was subjected to excessive force by Defendant Timothy Reilly?

Yes ☒

No _____

If you answered "No" to Question (2), skip to Question (3).

- a. If you answered "Yes" to question (2), please state whether or not you believe

that Plaintiff has proven, by a preponderance of the evidence, that she actually suffered compensatory damages as a result of the excessive force?

Yes ☒

No _____

- b. If you answered "Yes" to question (2)(a), state the amount of the compensatory damages you award: \$ 30,000
- c. If you answered "No" to question (2)(a), please indicate the amount of nominal damages you award. \$ _____
- d. Should punitive damages be awarded to plaintiff, Karen Brim?

Yes _____

No _____

If you answered "Yes," state the amount of punitive damages you award: _____.

3. MUNICIPAL LIABILITY. Has Plaintiff proven by a preponderance of the evidence that the City of New York has a custom or practice of handcuffing all hospitalized prisoners?

Yes _____

No ☒

If you answered No to Question (3), skip to Question (4).

- a. If you answered "Yes," to Question (3), then please state whether this custom or practice caused Plaintiff's constitutional rights to be violated?

Yes _____

No _____

- b. If you answered "Yes," to Question (3)(a), then please state whether you find that Plaintiff has proven, by a preponderance of the evidence, that she actually suffered compensatory damages as a result of the custom or practice?

Yes _____

No _____

- c. If you answered "Yes" to question (3)(b), then please state the amount of compensatory damages you award Plaintiff. \$ _____

- d. If you answered "No" to question (3)(b), then please state the amount of nominal damages you award Plaintiff. \$ _____

4. **ASSAULT.** Plaintiff Karen Brim proved by a preponderance of the evidence that she was assaulted?

Yes _____ No ✓

If you answered "No," to Question (4), skip to Question (5). If you answered "Yes," please indicate who committed an assault on Plaintiff.

Defendant Timothy Reilly _____
Defendant Ralph Giordano _____
Defendant Salvatore Mannino _____

- a. If you answered "Yes" to question (4), please state whether or not you believe that Plaintiff has proven, by a preponderance of the evidence, that she actually suffered compensatory damages as a result of the assault?

Yes _____ No _____

- b. If you answered "Yes" to question (4)(a), please indicate who caused Plaintiff to suffer compensatory damages and what amount?

Defendant Timothy Reilly \$ _____
Defendant Ralph Giordano \$ _____
Defendant Salvatore Mannino \$ _____

5. **BATTERY.** Has Plaintiff Karen Brim proved by a preponderance of the evidence that a battery was committed against her?

Yes _____ No ✓

If you answered "No," to Question (5), skip to Question (6). If you answered "Yes," please indicate who committed a battery against Plaintiff.

Defendant Timothy Reilly _____
Defendant Ralph Giordano _____
Defendant Salvatore Mannino _____

- a. If you answered "Yes" to question (5), please state whether or not you believe that Plaintiff has proven, by a preponderance of the evidence, that she actually suffered compensatory damages as a result of the battery?

Yes _____

No _____

- b. If you answered "Yes" to question (5)(a), please indicate who caused her to suffer compensatory damages and what amount?

Defendant Timothy Reilly \$ _____
Defendant Ralph Giordano \$ _____
Defendant Salvatore Mannino \$ _____

6. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS.** Do you find that Plaintiff Karen Brim has proven by a preponderance of the evidence that she suffered an intentional infliction of emotional distress as a result of Defendants' conduct?

Yes ✓

No _____

If you answered "No" to Question (6), you are finished. Sign and date your verdict below.

- a. If you answered "Yes" to Question (6), please indicate who intentionally inflicted emotional distress on her?

Defendant Timothy Reilly ✓
Defendant Ralph Giordano _____
Defendant Salvatore Mannino _____

- b. If you answered "Yes" to question (6), please state whether or not you believe that Plaintiff has proven, by a preponderance of the evidence, that she actually suffered compensatory damages as a result of the intentional infliction of emotional distress?

Yes ✓

No _____

- c. If you answered "Yes" to question (6)(b), please indicate who caused her to suffer compensatory damages and what amount?

Defendant Timothy Reilly \$ 30,000
Defendant Ralph Giordano \$ _____
Defendant Salvatore Mannino \$ _____

SIGN AND DATE YOUR VERDICT

A. K. Brim 7/06/2015
Foreperson